

Document #5384

3/14/91

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
MARCH 14, 1991
RE: TENTATIVE DESIGNATION OF REDEVELOPER OF AREA "E"
OF PARCEL 2-1E/1F IN THE WEST END LAND ASSEMBLY
PROJECT AREA (LOWELL SQUARE)

WHEREAS, the Boston Redevelopment Authority (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title I of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter defined Project; and

WHEREAS, the Urban Renewal Plan for the West End Land Assembly Project Area (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, state and federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with federal financial assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion or national origin; and

WHEREAS, The Planning Office for Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West End Community Development Corporation have expressed an interest in and have submitted a proposal for Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area;

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the Planning Office for Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West End Community Development Corporation be and hereby is tentatively designated as Redeveloper of Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area subject to:
 - a. Publication of all public disclosure and issuance of approvals required by the Massachusetts General Laws and Title I of the Housing Acts of 1949, as amended; and
 - b. Submission of the following modifications within forty-five days:
 - (1) The inclusion of the Old West End Community Development Corporation as partner; and

- (2) The addition of the West End Archives; and
 - (3) The provision of two years of technical assistance to the Old West End Community Development Corporation; and
 - (4) A joint venture or partnership agreement satisfactory to the Authority; and
 - (5) A financing plan satisfactory to the Authority.
2. That Final Designation will be subject to submission in a form acceptable to the Authority within 360 days of this Tentative Designation the following materials:
 - a. Evidence of the availability of necessary equity funds, as needed; and
 - b. Evidence of firm financial commitment from banks or other lending institutions; and
 - c. Final Working Drawings and Specifications; and
 - d. Proposed development and rental schedule; and
3. That it is the firm intent of the Authority to revoke this designation if the above-referenced conditions are not complied with.
4. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105 (E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).
5. That the Planning Office for Urban Affairs, Inc. and Keen Development Corporation in conjunction with the Old West Community Development Corporation acquire no rights by virtue of this tentative designation.
6. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment and further, that all practical and feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment; and
7. That the Director be and hereby is authorized to grant a License to the Redeveloper for Early Entry onto the Lowell Square site if necessary and subject to the Authority's usual terms and conditions.



COMMONWEALTH OF MASSACHUSETTS.

APPEALS COURT FOR THE COMMONWEALTH,

At Boston,

July 10,

1990

IN THE CASE OF

CHARLES RIVER PARK, INC.

vs.

BOSTON REDEVELOPMENT AUTHORITY

pending in the Superior

Court for the County of Suffolk

ORDERED, that the following entry be made in the docket; viz,—

The judgment entered in favor of CRP is reversed, and a new judgment is to enter in favor of the BRA.

By THE COURT,

Andrew P. Gungley

ASST.
CLERK.

July 10, 1990

OVER

NOTE:

The original of the within rescript
will issue in due course, pursuant
to M.R.A.P. 23.

APPEALS COURT

MEMORANDUM

MARCH 14, 1991

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: HOMER RUSSELL, ASSISTANT DIRECTOR FOR
URBAN DESIGN AND DEVELOPMENT
PETER DREIER, DIRECTOR OF HOUSING
SCOTT FOWLER, ASSISTANT PROJECT MANAGER

SUBJECT: LOWELL SQUARE TENTATIVE DESIGNATION

EXECUTIVE

SUMMARY: This memorandum requests tentative designation of the Planning Office for Urban Affairs of the Archdiocese of Boston and Keen Development Corporation as redeveloper of Lowell Square, also known as Area "E" of Parcel 2-1E/1F in the West End Land Assembly and Redevelopment Project Area.

This memorandum requests that the team comprised of the Planning Office for Urban Affairs of the Archdiocese of Boston and Keen Development Corporation in conjunction with the Old West End Community Development Corporation ("Proponent") be tentatively designated as redeveloper of Lowell Square.

Site Description

Area "E" of Parcel 2-1E/1F of the West End Land Assembly and Urban Renewal Project, known as Lowell Square, is an approximately 69,400 square foot vacant parcel owned by the BRA. It is located at the intersection of Causeway Street, Staniford Street, and Lomasney Way. A site location map is attached as Exhibit A. The Lowell Square parcel is the only undeveloped parcel remaining in the West End Urban Renewal Area.

Request for Proposals

On May 18, 1986, a Request for Proposals ("RFP") for the redevelopment of Lowell Square was advertised. The RFP Guidelines and Conditions called for a predominantly residential development with commercial uses not to exceed 40 percent of the project. It further required that 25 percent of the residential units be affordable to low income families, 25 percent be affordable to moderate income families, and at least 25 percent equity participation by a Community Development Corporation (CDC), Minority Business Enterprise (MBE), or Neighborhood Development Corporation (NDC).

The RFP required that the submissions be reviewed using the following set of criteria:

- o achievement of the stated affordable housing goals;
- o at least 25% equity participation by a CDC, MBE, of NDC;
- o amount of financial resources allocated to achieve public benefits in the project and/or lease purchase payment to the the Boston Redevelopment Authority;
- o other public benefits offered by the proposed development including jobs, tax revenues, urban design amenities, and other neighborhood amenities;
- o feasibility of carrying out the development as proposed;
- o compliance of the proposed development with the design and development guidelines outlined in the RFP;
- o the demonstrated production and management experience, capability and financial strength of the development team;
- o opportunities provided for minority business participation;
- o preference will be given to proposals which safeguard the long term affordability of the low and moderate income units. Condominium or cooperative units will be expected to include resale controls that limit subsequent sales prices.

Five development proposals were submitted to the BRA on October 16, 1986, by the following teams:

1. Beacon Company/Greater Boston Community Development;
2. H & D Development;
3. Planning Office of Urban Affairs of the Archdiocese/Housing Economics, Inc.;
4. Stapleton Associates/Goldome Bank and Rogerson House; and
5. A.J. Lane, Paul May, and National Association of Government Employees (NAGE).

Additional guidelines were distributed to each of the five development teams in July of 1987. Four of the original teams submitted proposals on September 1, 1987, with the team composed of Lane, May, and NAGE not resubmitting.

Archdiocese Development Proposal

The project proposed by the Proponent and described below ("Proposed Project") was designed by the Architectural Team. It is responsive to the guidelines in the RFP and includes an eight story horizontal base and a recessed 225 foot tower as its two

main elements. The base provides a continuous facade consistent with the massing of the Bulfinch Triangle.

The Proposed Project includes, in addition to the residential component, office space and ground floor retail space, a child care center and play space, and a 400 space parking facility.

The following are some of the elements and community benefits of the proposal:

- o 270 limited equity cooperative residential units
- o At least 50 percent of the units affordable to low and moderate income residents
- o Emphasis on larger size units with a majority of the units containing two, three, or four bedrooms
- o Cooperative approach which guarantees long term affordability
- o West End Archives
- o Relocation of eligible former West Enders back to the West End

Development Team

The Proponent's development team is comprised of a limited partnership between the Planning Office for Urban Affairs, Inc. of the Archdiocese of Boston, and Housing Economics (Keen Development Corporation). Both the Archdiocese Planning Office and Keen Development have demonstrated a capacity and commitment to building affordable housing over the past twenty years.

Keen Development recently completed mixed income developments on Nantucket, in Cambridge, and Jamaica Plain. Keen won an historic preservation award with its renovation of the Baker Chocolate Factory in Dorchester Lower Mills. Keen also assisted the artists of the Fenway Studios convert the historic buildings into one of the first limited equity coops in the state.

The Archdiocese has been active throughout Greater Boston creating affordable housing, especially for senior citizens, using the Federal S.202 housing program. The Archdiocese also pioneered the coop concept in Massachusetts with projects in Beverly, North Andover, and Boston's North End.

The rest of the Proponent's development team is summarized below:

Architect: The Architectural Team

Legal
Counsel: Mintz, Levin, Cohn, Ferris, Glovsky & Popeo

Contractor: George B. H. Macomber Company

Manager: Maloney Properties, Inc.

Community
Development
Corporation:

Old West End CDC

Charles River Park Lawsuit

In May of 1985, Charles River Park, Inc. (CRP) challenged the BRA's right to redevelop the Lowell Square site into affordable housing. CRP filed suit to enjoin the BRA from conveying the land claiming that it had the right to develop the site pursuant to an agreement with the BRA executed in 1960. CRP took this position despite the fact that the agreement was terminated in 1971 by the BRA because CRP did not develop the site pursuant to the requirements of the Urban Renewal Plan. A trial court judge decided in favor of CRP in 1989.

The BRA appealed the trial court's decision, and on July 10, 1990, the Appeals Court reversed the lower court's opinion, and entered judgment for the BRA. A copy of the finding of the Appeals Court is attached as Exhibit B. In rejecting CRP's claim, the Appeals Court held that any rights that CRP had to redevelop the site were properly terminated by the BRA in 1971, and the failure of CRP to develop the land according to the requirements of the urban renewal project since that time, constituted a waiver of development rights.

The BRA is, therefore, free to designate a new developer for the site to develop Lowell Square for purposes which meet the current needs of the city, such as affordable housing.

Recommendation

A public hearing was held on September 15, 1987 during which the four teams presented their proposals to the BRA Board. After the public hearing and a thorough evaluation of the proposals submitted according to the criteria outlined in the RFP, including the development program and concept, financial terms, and experience and capability of the development teams, the BRA staff recommends that the Planning Office for Urban Affairs, Inc. and Keen Development Corporation be granted tentative designation as redeveloper of the Lowell Square site.

Following the submission of additional development and financing plans, the BRA staff intends to recommend that the Director be authorized to petition the Zoning Commission for a Planned Development Area (PDA) map amendment to be adopted for the Lowell Square site.

An appropriate vote follows:

Voted: That the BRA hereby adopts the resolution entitled
"Resolution of the Boston Redevelopment Authority,
March 14, 1991, Re: Tentative Designation of
Redeveloper of Area "E" of Parcel 2-1E/1F in the West
End Land Assembly Project Area (Lowell Square)."